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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,669	03/30/2004	Minh H. Duong	33692.03.2269	3571
23418	7590	03/08/2006	EXAMINER PHAN, DAO LINDA	
VEDDER PRICE KAUFMAN & KAMMHOLZ 222 N. LASALLE STREET CHICAGO, IL 60601			ART UNIT 3662	
PAPER NUMBER				

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,669

Applicant(s)

DUONG ET AL.

Examiner

Dao L. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004. -
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 12-13, 15-17, 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kurby et al (Pat. No. 5,559,806).

Kurby et al teach a method of acquiring satellite positioning information for a portable device and a wireless portable device (col 2, lines 53-56) including plurality of antennas 610, 620 operative to receive signals from a plurality of positioning satellites and wherein at least two of the plurality of antennas have different beam angles (fig. 1) with respect to each other, a beam selection structure 640 operatively coupled to the plurality of antennas, and a control circuit 680, 690, operatively coupled to the beam selection structure, and operative to control switching between each of the plurality of antennas based on a number of positioning satellites detected through each of the antennas.

3. Claims 1-5, 12, 15, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Uematsu et al (Pat. No. 5,089,824) or Yamane et al (Pat. No. 4,881,078).

Uematsu et al teach a method of acquiring satellite positioning information for a portable device and a wireless portable device including plurality of antennas 41, 43 operative to receive signals from a plurality of positioning satellites and wherein at least two of the plurality of antennas have different beam angles (col 10, lines 11+) with respect to each other, a beam selection structure 31 operatively coupled to the plurality

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of antennas, and a control circuit 91, B, operatively coupled to the beam selection structure, and operative to control switching between each of the plurality of antennas based on a number of positioning satellites detected through each of the antennas.

Yamane et al teach a method of acquiring satellite positioning information for a portable device and a wireless portable device including plurality of antennas 11 operative to receive signals from a plurality of positioning satellites and wherein at least two of the plurality of antennas have different beam angles with respect to each other, a beam selection structure (abstract) operatively coupled to the plurality of antennas, and a control circuit 30, operatively coupled to the beam selection structure, and operative to control switching between each of the plurality of antennas based on a number of positioning satellites detected through each of the antennas.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 6-11, 14, 18, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurby et al (Pat. No. 5,559,806) in view of Tse et al (US 2002/0090969).

Kurby et al teach a wireless portable device including a plurality of antennas 610, 620 operative to receive device positioning signals from a plurality of positioning satellites, a beam selection structure 640 operatively coupled to the plurality of antennas, a satellite network position signal processing circuit 660, 250 operatively coupled to receive device positioning signals, a control circuit 680, 690, operatively coupled to the antenna beam selection structure, and operative to control switching between each of the plurality of antennas based on the number of positioning satellites. Kurby et al fail to teach a flip position detector. However, Tse et al teach a flip position detector 70. It would have been obvious to employ a flip position detector as taught by Tse et al into Kurby et al to determine if the flip element is in the open or closed position.

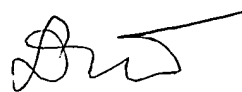
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao L. Phan whose telephone number is (571)272-6976. The examiner can normally be reached on M-F 9:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (571)272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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